

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

NOV 17 2015

MATTHEW J. DYKMAN
CLERK

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)located near W Pueblo Rd & Saint James on San Felipe
Reservation a light tan colored, 2 story house with red
metal roof, front door will be facing north, car port in front

Case No.

15 mr 759

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
located near W Pueblo Rd & Saint James on San Felipe Reservation a light tan colored, 2 story house with red metal roof, front door will be facing north, car port in front, 2nd story attachment a wooden fence, about 6ft high

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):
See Attached Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

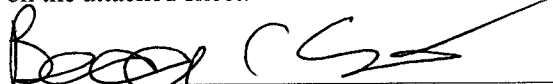
The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 111	assaulting, resisting, or impeding certain officers or employees
18 U.S.C. § 2	aiding and abetting

The application is based on these facts:

See Attached Affidavit

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature

 B. Specht, United States Postal Inspector
 Printed name and title

Sworn to before me and signed in my presence.

Date:

11/17/15


 Judge's signature

City and state: Albuquerque, NM

 United States Magistrate Judge William P. Lynch
 Printed name and title

AFFIDAVIT

UNITED STATES DISTRICT COURT)
)
) SS
 DISTRICT OF NEW MEXICO)

I, Brad Specht, having been duly sworn, hereby depose and state as follows:

1. I am a duly authorized Postal Inspector with the United States Postal Inspection Service and have been so employed since February 2012. I am currently assigned to the US Postal Inspection Service, Phoenix Division, Albuquerque, New Mexico Domicile.
2. I have been trained in all aspects of investigations relating to the U.S. mails at the Postal Inspection Service Training Academy in Potomac, Maryland. I have also attended additional investigative courses sponsored by USPIS, which focused on major crime investigations. I have investigated and/or participated in dozens of investigations involving the violation of federal statutes relating to the US Mail. Based upon my training and experience I know that after a crime is committed the individuals responsible will often attempt to hide evidence of the crime. Often times these individual's will hide evidence within vehicles they own, their residence, a residence of a friend or family member in an attempt to remove the evidence from their direct possession.
3. This affidavit is submitted in support of a search warrant for a white 4 door BMW with New Mexico License Plate 588 PMX and a residence located near the intersection of W Pueblo Rd and Saint James on the San Felipe Reservation described as a light tan colored, two story house with a red metal roof. The front door will be facing north and there will be a car port in front. The second story attachment is newer construction than the older part which is a HUD house. There is a wooden fence, about 6 feet high surrounding the north, east and south sides of the house that I believe contains evidence of an assault of a United States Postal Service ("USPS") Letter Carrier that took place on November 16, 2015. This affidavit does not contain all information known me; rather, it contains information necessary to establish probable cause for the violations charged.
4. On November 16, 2015, I was contacted by a U.S.P.S. Manager who stated a letter carrier was shot at while in his postal service vehicle on his delivery route. The Manager stated the carrier was not hurt in the incident and was at his home post office, Highland Station, located at 111 Alvarado Dr SE Albuquerque, NM 87108.
5. I arrived at the post office and met with U.S.P.S. Letter Carrier E. H. hereinafter referred to as the victim. The victim stated the following to Inspector R. Calvert and I:
 - a. He had just finished delivering mail at the 800 block of San Pedro when he pulled into the parking lot of 901 San Pedro Dr SE Albuquerque, NM. He stated he exited his vehicle to deliver mail to the business when a white BMW pulled up beside him. He stated the vehicle was driven by a Hispanic female, petite build, hereinafter referred to as the driver and an African American male, light skinned, light facial hair, mid to late 20's, short dark curly hair, possibly wearing a black shirt was sitting in the front passenger seat, hereinafter referred to as the suspect. The suspect stated something to the effect of "don't get shot while you're working." The victim stated he did not say anything to the suspect, returned to his postal vehicle and called 911. The victim stated this occurred at approximately 11:02 AM on November 16, 2015. The victim stated he followed the suspect vehicle from a distance north bound on San Pedro from Kathryn. The victim stated he pulled beside the white BMW on the left-hand side of the vehicle which was stopped at the intersection of Zuni and San Pedro while he was on the phone with the 911 operator. At that time the victim stated the suspect pointed a firearm at him in his vehicle over the top of the BMW and fired between four and six rounds at him. The victim stated he immediately left the area and returned to the Highland Station. The victim stated he had never seen the male or female before. The victim stated the firearm was black in color and possibly a

- 40 caliber. The victim stated he is familiar with firearms and does own several firearms himself. The victim stated he was able to provide the 911 operator with the license plate of the BMW.
6. I spoke with Albuquerque Police Department (APD) Officer Fisher who provided me with New Mexico License Plate number 588 PMX as the license plate for the white BMW.
 7. Albuquerque Police Department's Crime Scene unit responded and processed the postal vehicle for evidence. A hole was found in the window on the driver's side of the vehicle as well as the steering column of the vehicle. A second hole was found in the first layer of the driver's door but did not enter the vehicle cabin. Two dents were found in the driver's side of the vehicle where a small projectile had impacted the door but did not penetrate the door itself. The driver's side window had also been shattered.
 8. After speaking with the victim an area canvass was conducted where the incident took place. I met with an employee at the San Pedro Smoke Shop located at 901 San Pedro Dr SE Albuquerque, NM 87108. The employee showed us the surveillance system for the business and I was able to locate video showing the following:
 - a. At approximately 10:55 AM a white BMW pulls into a parking space at the business. A few moments later a male and female exit the vehicle and enter the smoke shop. The male and female match the description provided by the victim. The male and female enter the shop and make a purchase utilizing a credit card. The female appears to have a tattoo on her upper left chest, has shoulder length black hair, and was wearing jeans, a dark colored full zip hoodie with light colored text across the front, a grey colored undershirt, and light colored shoes. The male is wearing a light colored adjustable baseball hat, white t-shirt, camouflaged jacket dark pants, white belt and light colored shoes. The male and female exit the shop and re-enter the white BMW, the male entered the passenger front side and the female entered on the driver's side. After several moments the vehicle backs out and drives by the victim and the postal vehicle, and then proceeds northbound on San Pedro. The victim can be seen walking back to his vehicle immediately after the white BMW leaves and the postal vehicle exits the parking lot.
 9. The San Pedro Smoke Shop employee was able to provide me with credit card receipts from around the time of the incident. These receipts were photographed and the business retained the originals.
 10. The New Mexico License Plate 588 PMX returns to a white 4 door 2004 BMW registered to Linda Tenorio of P.O. Box 682 Algodones, NM 87001. A check of U.S.P.S. records shows that P.O. Box is rented to Angelina Tenorio of San Felipe Highway 313 north to El Sch turn west 5th house on left side pitched roof. I contacted Bureau of Indian Affairs Agent J. Sandoval and he stated he is very familiar with that residence. He stated that a white BMW is often parked there along with a Hummer. He stated Linda Tenorio has a daughter by the name of Montana Harper. I checked the New Mexico Motor Vehicle records for a picture of Harper and found that the photo on file for Harper appears to match the female in the video from the San Pedro Smoke Shop who was also referred to as the driver above.
 11. I was able to locate what appears to be the Facebook profile for Montana Harper, with her name listed on the profile as Tana Harper. A photo of herself that she had posted on her Facebook page shows she has a tattoo on her upper left chest, matching the surveillance video obtained from the San Pedro Smoke Shop. The photo on her Facebook page and the video surveillance photo show that they are most likely the same individual.
 12. On November 17, 2015, Inspector S. Herman and I met with the victim at the Highland Station in order to better determine where the incident took place in an attempt to locate additional evidence. During that interview the victim stated that he did not disclose all of the information the previous day as he was in fear of being fired for driving off of his assigned route during the incident. The victim stated the following to Inspector Herman and I:
 - a. He stated when the white BMW approached the light northbound on San Pedro at Zuni the BMW turned eastbound on Zuni and he followed them. He stated the BMW then turned northbound on Louisiana, eastbound on Central and finally southbound on Alcazar. He stated he

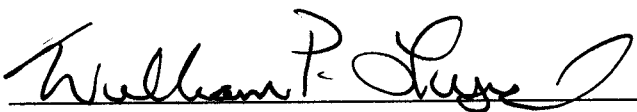
followed the vehicle until it pulled over into the loading dock of the Talin Market located just south of Central on Alcazar on the west side of the street. He stated the suspect then exited the vehicle, aimed a handgun at him and started to fire the weapon, striking his vehicle. The victim stated he immediately left the area. The victim stated he was on the phone with 911 the entire time of the incident.

13. After speaking with the victim on November 17, 2015, the victim rode with Inspector Herman and I to show us where the incident occurred. Inspector R. Calvert met us at the location and drove the victim back to Highland Station while Inspector Herman and I searched the area. Inspector Herman and I were able to locate 4 shell casings in the area where the victim stated the white BMW had pulled over and where the suspect fired the handgun.
14. On November 17, 2015, I was contacted by Bureau of Indian Affairs Investigator James Jojola who stated he was contracted by BIA Southern Pueblos Agency Chief of Police Travis Lebeaux. Lebeaux stated that the white 4 door BMW with New Mexico License Plate was currently parked at the residence located near the intersection of W Pueblo Rd and Saint James on the San Felipe Reservation described as a light tan colored, two story house with a red metal roof. The front door will be facing north and there will be a car port in front. The second story attachment is newer construction than the older part which is a HUD house. There is a wooden fence, about 6 feet high surrounding the north, east and south sides of the house, hereinafter referred to as the target location.
15. Based on the information provided in this affidavit, I believe there is probable cause to believe that white 4 door BMW with New Mexico License Plate 588 PMX, and the target location contains evidence of the crime committed on November 17, 2015, to wit: the assault of a U.S.P.S. Letter Carrier in violation of Title 18, United States Code, Section 111, assaulting, resisting, or impeding certain officers or employees. I also believe that probable cause exists to believe that Montana Harper will be located within the target location.



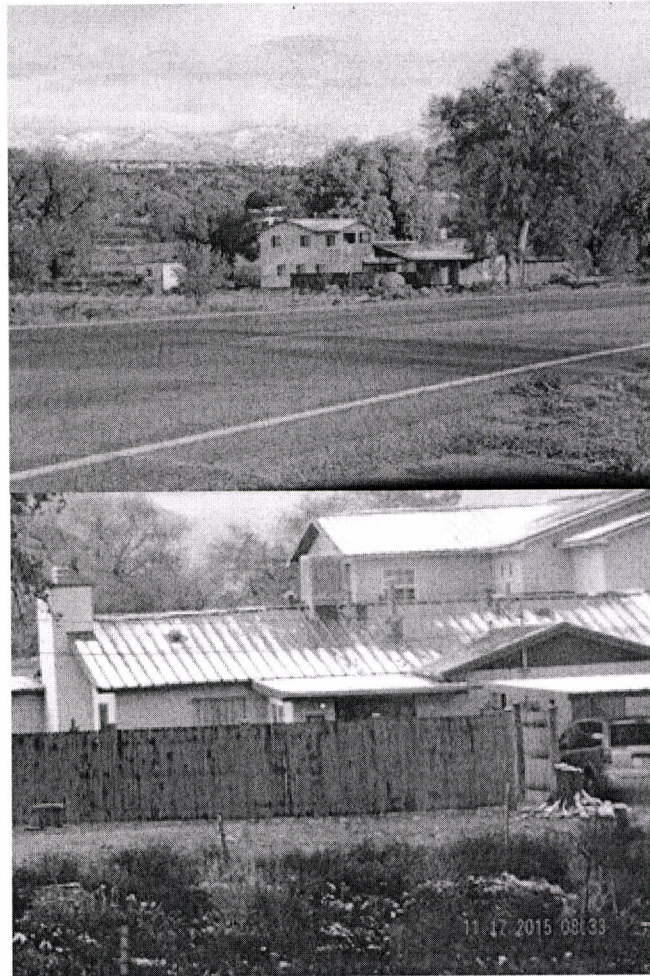
Brad Specht, Postal Inspector

Subscribed and sworn to before me on this the 17th day of November 2015.



William P. Lynch
United States Magistrate Judge

ATTACHMENT A



The residence is located near the intersection of W Pueblo Rd and Saint James on the San Felipe Reservation described as a light tan colored, two story house with a red metal roof. The front door will be facing north and there will be a car port in front. The second story attachment is newer construction than the older part which is a HUD house. There is a wooden fence, about 6 feet high surrounding the north, east and south sides of the house hereinafter referred to as the target location.

The search of this location shall include all rooms, annexes, attics, basements, garages, mailboxes, trash containers, debris boxes, storage lockers and areas, cabinets, rooms, covered porches, sheds and out buildings associated with and under control of the residents of the target location. The search of this location shall include a white 4 door BMW with New Mexico License Plate 588 PMX and all containers, compartments and contents contained within.

The search of this location shall also authorize officers conducting the search to require the production of identification of any person reasonably believed by the officers to have possession and control of the premises of the target location. The search shall also authorize officers to search the persons and items attached to them (such as purses, backpacks etc.) encountered inside of the target location.

ATTACHMENT B

1. Montana Harper DOB 7/1995 SSN *653;
2. Any and all handguns, handgun ammunition, handgun cases, paperwork associated with any handguns showing ownership, repair, purchase or sale;
3. a dark colored full zip hoodie with light colored text across the front, a grey colored undershirt, and light colored women's shoes. A men's light colored adjustable baseball hat, white t-shirt, camouflaged jacket, white belt and light colored shoes.